

CHAPTER 130
EMERGENCY MEDICAL SERVICES TRAINING GRANTS

641—130.1(135) Definitions. For the purpose of these rules, the following definitions shall apply:

“*Ambulance service*” means any privately or publicly owned service program which utilizes ambulances in order to provide patient transportation and emergency medical care at the scene of an emergency or while en route to a hospital or during transfer from one medical care facility to another or to a private home.

“*Applicant*” means an Iowa county which has submitted an application for county EMS training funds.

“*Area*” means the number of square miles in a county listed in the most current edition of “Census of Population and Housing,” published by the United States Bureau of the Census.

“*CEHs*” means continuing education hours which are based upon a minimum of 50 minutes of training per hour.

“*Conferences*” means continuing education courses which provide at least 7 CEHs.

“*Continuing education*” means approved training which is received after becoming certified as an EMS provider to maintain skills and knowledge and to satisfy renewal of certification requirements. This includes emergency medical training for members of the general public.

“*County EMS association*” means a countywide group of EMS providers and various agency and organization representatives and consumers who advise the county board of supervisors or their designee on EMS needs and objectives. The county EMS association should also include representatives of services located in a neighboring county if service is provided on a regular basis to residents of the funding county.

“*Department*” means the Iowa department of public health.

“*Designee*” means a county government agency or a board, commission or committee which has entered into an agreement with the county board of supervisors pursuant to Iowa Code chapter 28E.

“*Director*” means the director of the Iowa department of public health.

“*Emergency medical care personnel*” means any individual currently certified by the department pursuant to Iowa Code section 147A.6.

“*EMS*” means emergency medical services.

“*EMS course*” means a course for emergency medical care personnel pursuant to Iowa Code section 147A.4, subsection 2.

“*EMS provider*” means emergency medical care personnel, other health care practitioners or members of the general public involved in the provision of emergency medical care.

“*Nontransport service*” means any privately or publicly owned rescue or first response service program which does not provide patient transportation (except when no ambulance is available or in a disaster situation) and utilizes only first response vehicles to provide emergency medical care at the scene of an emergency.

“*Regional EMS council*” means a multicounty nonprofit corporation whose purpose is to facilitate EMS development on a regional basis.

“*Rural population*” means the number of rural residents listed in the most current edition of “Census of Population and Housing,” published by the United States Bureau of the Census.

“*Service program*” means any emergency medical care ambulance or nontransport service.

“*Total population*” means the number of residents listed in the most current edition of “Census of Population and Housing,” published by the United States Bureau of the Census.

“*Training*” means EMS related courses designed and intended for EMS providers.

“*Training aid*” means an item used in EMS training and includes, but is not limited to: slides, films, mannequins, emergency care devices, books and other items pertinent and necessary for training purposes.

641—130.2(135) Purpose.

130.2(1) The county EMS training fund is intended to supplement EMS funds at the county or local level.

130.2(2) Rescinded IAB 8/2/95, effective 7/14/95.

641—130.3(135) County EMS associations. Each county shall have a county EMS association, council or board to provide the county board of supervisors or their designee with advice on EMS funding needs and objectives.

641—130.4(135) County EMS training grants. Grants for training-related purposes at the county and local level are available from the department according to the following allocation formula:

1. Fifty percent of the funds will be allocated according to each county's rural population, and
2. Fifty percent of the funds will be allocated according to each county's area.

County EMS training grants may be used to train members of an ambulance or nontransport service located in a neighboring county if service is provided on a regular basis to residents of the funding county.

130.4(1) Application process. An application for EMS training grants is required. The application process is as follows:

a. Each county EMS association shall propose a plan for spending the county's allocation and submit the plan to the department. The plan shall establish spending priorities pursuant to 1995 Iowa Acts, Senate File 178.

b. The department shall review the plan and shall approve, request clarification or request a new proposal.

c. Upon approval by the department, the county's allocation shall be released except as provided in subrule 130.6(5).

130.4(2) Eligible costs. Costs which are eligible for EMS training fund expenditures include:

a. Reimbursement of tuition, fees and materials following successful completion of an EMS course. Practical examination fees may also be included.

b. Payment of continuing education tuition, fees and materials. Emergency medical training for the general public is an allowable expense.

c. Payment for EMS training aids. The title to any training aid purchased with these funds shall not lie with the department, but shall be determined by the county board of supervisors or their designee.

130.4(3) Ineligible costs. Costs which are not eligible for funding include, but are not limited to, the following:

- a.* Building and construction costs;
- b.* Certification/recertification fees;
- c.* Debt amortization;
- d.* Land;
- e.* Lodging;
- f.* Meals (except when included in tuition for a continuing education course);
- g.* Non-training-related equipment;
- h.* Operating expenses;
- i.* Personnel costs;
- j.* Rent;
- k.* Travel;
- l.* Utilities;
- m.* Vehicles;
- n.* Written examination fees.

641—130.5(135) County EMS equipment grants. Rescinded IAB 8/2/95, effective 7/14/95.

641—130.6(135) Disbursement of county funds.

130.6(1) The training funds shall be disbursed separately to each county. The county board of supervisors or their designee shall be responsible for the administration of these funds. The county shall be responsible for repayment of any funds which are not spent in compliance with these rules.

130.6(2) Each county shall submit to the department a quarterly report of training fund expenditures pursuant to these rules.

130.6(3) All funds must be obligated for expenditure by May 31 and must actually be expended prior to June 30. Funds not obligated by May 31 shall be submitted to the department by June 1. Counties may apply to the department for unobligated funds. No carryover of funds is permitted between fiscal years.

130.6(4) A final expenditure report and any unspent funds shall be submitted to the department prior to July 31.

130.6(5) No funds shall be disbursed to a county until the county has submitted a final expenditure report for the previous fiscal year's funds and the report has been approved by the department.

641—130.7(135) Special EMS training grants. Rescinded IAB 8/2/95, effective 7/14/95.

641—130.8(135) Application denial or partial denial—appeal.

130.8(1) Denial or partial denial of an application shall be effected in accordance with the requirements of Iowa Code section 17A.12. Notice to the applicant of denial or partial denial shall be served by restricted certified mail, return receipt requested, or by personal service.

130.8(2) Any request for appeal concerning denial or partial denial shall be submitted by the aggrieved party in writing to the department by certified mail, return receipt requested, within 30 days of the receipt of the department's notice. The address is: Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075. Prior to or at the hearing, the department may rescind the denial or partial denial. If no request for appeal is received within the 30-day time period, the department's notice of denial or partial denial shall become the department's final agency action.

130.8(3) Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals pursuant to the rules adopted by that agency regarding the transmission of contested cases. The information upon which the adverse action is based and any additional information which may be provided by the aggrieved party shall also be provided to the department of inspections and appeals.

130.8(4) The hearing shall be conducted according to the procedural rules of the department of inspections and appeals found in 481—Chapter 10.

130.8(5) When the administrative law judge makes a proposed decision and order, it shall be served by restricted certified mail, return receipt requested, or delivered by personal service. That proposed decision and order then becomes the department's final agency action without further proceedings ten days after it is received by the aggrieved party unless an appeal to the director is taken as provided in subrule 130.6(6).

130.8(6) Any appeal to the director for review of the proposed decision and order of the administrative law judge shall be filed in writing and mailed to the director by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative law judge's proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge. Any request for an appeal shall state the reason for appeal.

130.8(7) Upon receipt of an appeal request, the administrative law judge shall prepare the record of the hearing for submission to the director. The record shall include the following:

- a. All pleadings, motions, and rules.
- b. All evidence received or considered and all other submissions by recording or transcript.

- c. A statement of all matters officially noticed.
- d. All questions and offers of proof, objections and rulings on them.
- e. All proposed findings and exceptions.
- f. The proposed decision and order of the administrative law judge.

130.8(8) The decision and order of the director becomes the department's final agency action upon receipt by the aggrieved party and shall be delivered by restricted certified mail, return receipt requested, or by personal service.

130.8(9) It is not necessary to file an application for a rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19. The aggrieved party to the final agency action of the department who has exhausted all administrative remedies may petition for judicial review of that action pursuant to Iowa Code chapter 17A.

130.8(10) Any petition for judicial review of a decision and order shall be filed in the district court within 30 days after the decision and order becomes final. A copy of the notice of appeal shall be sent to the department by certified mail, return receipt requested, or by personal service. The address is: Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075.

130.8(11) The party who appeals a final agency action to the district court shall pay the costs of the preparation of a transcript of the contested case hearing for the district court.

These rules are intended to implement 1995 Iowa Acts, House File 530, and Iowa Code chapter 135 as amended by 1995 Iowa Acts, Senate File 178.

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